

WEATHER

Increasing cloudiness tonight, probably followed by rain tomorrow; warmer; moderate southerly winds. Temperature 40° to 45° tonight, ending 2 p.m.; highest, 45° at 2 p.m. today; lowest, 26° at 4 a.m. today. Full report on page 16.

CLOSING NEW YORK STOCKS PAGE 16.

No. 29,510.

WASHINGTON, D. C., WEDNESDAY, NOVEMBER 22, 1916.—TWENTY-TWO PAGES.

ONE CENT.

EIGHT-HOUR LAW IS HELD UNCONSTITUTIONAL BY FEDERAL JUDGE

All Roads to Co-Operate in Carrying Case to United States Supreme Court.

QUESTION NOW IS TO GET DECISION BY JANUARY 1

Opinion Prevails Here That Justices Cannot Be Stamped Into Taking Hasty Action in Matter.

KANSAS CITY, Mo., November 22.—The Adamson eight-hour law was held unconstitutional here today by Judge William C. Hook in United States district court.

Judge Hook directed the receivers of the Missouri, Oklahoma and Gulf railroad, who brought the original action in this case to enjoin the law from going into effect, to assist the government in expediting the case to the Supreme Court of the United States for final decision and instructed their attorneys to invite the attorneys of every railroad in this country to participate in the hearings before the United States Supreme Court.

Requested by Government. This was requested in the government's motion to dismiss the injunction petition of the railroad, the government desiring to avoid "prolonged, unnecessary and scattered litigation" that would be made necessary by the hearing of countless similar suits filed by every rail system in every federal district in the United States through which their lines run.

It is expected that the ultimate decision as to whether the law will go into effect January 1 will be handed down before that time. A transcript of the present case will be filed in the United States Supreme Court before it reconvenes December 1.

Action in the case was precipitated yesterday when Frank Hagerman, special counsel for the government, filed a motion before Judge Hook asking immediate decision in the injunction proceedings against the law brought by Alexander New and Henry C. Ferriss, receivers for the Missouri, Oklahoma and Gulf railroad, which the government contended should be dismissed.

Refuse to Discuss Decision.

Neither the attorneys for many large railroad systems who were present in court nor the government counsel present on the case would discuss the case as to whether it was regarded as a victory on the one hand or a setback on the other. Apparently both sides regarded the case as a means of hastening the decision by the Supreme Court, which is the final arbiter.

Following Judge Hook's decision, the government attorneys moved that the railroad action against the eight-hour law be dismissed and that the government be permitted to take an appeal similar to that of the government. This motion also was passed on by Judge Hook late today.

Text of the Decision.

The text of Judge Hook's decision follows: "This is an independent suit to enjoin the enforcement of a recent act of Congress, commonly called the Adamson law, upon the ground that it is contrary to the Constitution. In the character of averments the plaintiffs' bill of complaint is stated to be typical of a number of suits recently filed by railroad companies in various district courts of the United States. A motion to dismiss has been presented on behalf of the defendant United States attorney. The sole question raised by it is that of the constitutionality of the law. The court is informed that the government counsel in various district courts of the United States for temporary injunctions.

"An appeal from an order granting a temporary injunction goes to the circuit court of appeals and not further by ordinary procedure, while an appeal from a final order or decree in such a case would go direct to the Supreme Court of the United States. Inclusive in the latter a decision would definitely settle the question for the whole country. The motion to dismiss the case here, however, if it is decided, will promptly result in a final decree, from which an appeal will be taken to the Supreme Court.

Must Yield to Request.

"The assistance of this court has been invoked to facilitate a final and authoritative information of the constitutional question. This question was presented but yesterday and a decision is expected today. It is far from being an agreeable duty for a judge to record a judicial conclusion without the care and deliberation essential to a conviction that he would stand to in every circumstance.

"Upon the merits of the case the government neither asks nor receives from the court greater consideration than is required by the settled rules and presumptions of law, but a request by the Department of Justice to aid the progress of a case consistently with the rights of every one cannot be declined, certainly not for personal considerations.

"Upon a consideration of the Adamson law and of what is said in practical effect and what was intended to be accomplished by it, the judgment is that the law cannot be sustained. Since both parties have said they would not plead further whatever the decision might be, a decree will be entered.

TO STOP EXPORTS OF FOOD SUPPLIES

Representative Fitzgerald Announces Purpose of Introducing Bill in Congress.

STATEMENT OF REASONS

Representative Fitzgerald of New York, chairman of the committee on appropriations and one of the democratic leaders in the House, today issued a statement to the press in which he declared his intention to introduce a bill providing for an embargo on foodstuffs. He will offer the bill on the opening of Congress and will urge its consideration early in the session.

The proposed measure prohibits the shipment from the United States of all kinds of foodstuffs entering into daily consumption by the people, the object being to reduce the existing high cost of such necessities of life to domestic consumers.

Statement of Views. Mr. Fitzgerald's statement follows: "I favor an embargo on foodstuffs and it is my purpose to prepare a bill and to discuss the entire subject early in the coming session."

Says Britain Shows Contempt.

"Affronts as unending as the resulting injuries have been given us, and her persistent infringement of our rights. As our foodstuffs are needed abroad, an embargo upon these exports will be more effective than weary months of diplomatic negotiations, which end in the continuance of the indefensible practices against our rights. The embargo should be imposed for purely domestic reasons. The prices of foodstuffs have reached levels that are bringing widespread distress to the country. Many hundreds of thousands of our people are suffering from the lack of the necessities of life. Wholesale prices in many commodities are less today than they were a year ago; here the retail prices have advanced alarmingly.

Meets Foreign Trade Argument.

"The argument that nothing should be done to interfere with the expansion of our foreign trade does not impress me. Of what profit is it if our foreign trade is to grow with leaps and bounds while our own people are brought to the verge of starvation as a result of it? "Every other nation of the world is conserving its food supply. Why should the people of the United States suffer from privation to enable others to be satiated with our foodstuffs? At first it might seem that the embargo, and I hope to see legislation speedily enacted to impose it. Let America be for Americans first."

Precedent for Embargo.

According to a former attorney of the State Department, who has recently been looking up the subject, there is no constitutional objection to an embargo, which is not confused with a tariff on exports, the two being entirely dissimilar in law.

"The precedent for an embargo is found in the early part of the nineteenth century. Said this informant of The Star today: "It was the outcome of the war between England and France. Both countries enacted measures which seriously interfered with the freedom of American commerce. Since the embargo on commerce was followed by the Milan decree and the blockade of the coast of America, sweeping military successes on the continent established a so-called blockade of the coast of America. A single vessel capable of enforcing it. "The Berlin and Milan decrees absolutely forbade trading with England, and it was not understood that this policy, which came to be known as the blockade, would interfere with the trade of the United States. For a year it was not enforced against American vessels. Then Napoleon began to seize those vessels wherever found, confiscate them and sell them.

Merchantmen Suffer.

"Innocent merchantmen which had been on the distant seas, wandering into a French port, were subjected to this treatment. When the full purpose of Napoleon became evident there was a strong demand in the United States for a declaration of war with France. But after a national administration. A big element supported it for keeping the United States out of war. Another reason for not declaring war on France was the fact that Great Britain was equally arrogant and indifferent to the rights of American commerce. "The United States was not ready to go to war with either belligerent in order to force its rights. It party grew up which urged safety first by withdrawing American commerce from the seas. New England, which had the bulk of the trade, objected strenuously, but its objections did not prevail. The attitude of New England on this matter is a very interesting historical chapter.

Not Fully Effective.

"The embargo, which was duly authorized by Congress, was not popular with the country at large, either, and it never was fully effective. It was a sweeping measure, intended to prevent ships from leaving American ports until the trouble between England and America was settled. "Notwithstanding that the purpose was to keep the United States out of war, the embargo was not fully effective. It was a sweeping measure, intended to prevent ships from leaving American ports until the trouble between England and America was settled.

Forced to Throw Cargo Overboard.

MAINE, November 22.—The Greek steamer Ertis has arrived here and reports that she was stopped by a submarine, which seized 118 sacks of mail and forced her to throw her cargo overboard.

Australia Votes Down Conscription.

MELBOURNE, November 21, via London, November 22.—The final figures in the conscription referendum show that 1,085,000 ballots were cast in favor of conscription and 1,146,000 against it.

DEATH OF AUSTRIAN MONARCH REGREDED 68 YEARS

Death of Francis Joseph, in His Eighty-Sixth Year, Due to a Cold.

LAST DAY OF HIS LIFE SAW MONARCH AT WORK

Passed Away at 9 O'Clock Last Night, With Daughter and Her Apparent at His Bedside.

By the Associated Press.

PARIS, November 22, 2:40 p.m.—A Havas dispatch from Madrid says the Austrian embassy has announced officially the death of Emperor Francis Joseph. This is the first official announcement of the emperor's death to be received.

Francis Joseph died last night at 9 o'clock at Schoenbrunn castle, according to a press dispatch from Vienna, by way of Amsterdam.

Death Due to a Cold.

The death of Emperor Francis Joseph, in his eighty-sixth year, and after sixty-eight years on the throne, was caused by a cold which the monarch caught while walking in Schoenbrunn Park ten days ago with the King of Bavaria, according to a Zurich dispatch to the Parisien. The cold developed into pneumonia of the right lung. When it was realized yesterday that the emperor's condition was serious his daughter, Archduchess Marie Valerie, and his nephew, the Archduke Charles Francis, his apparent, and Joseph Frederick, were summoned to the bedside.

New Emperor Born in 1887.

Archduke Charles Francis was born August 17, 1887. His wife was Princess Zita of the Bourbon House of Parma. His father was the Archduke Otto, who was the younger brother of Francis Ferdinand.

The emperor's illness was critical became known first with the publication of the following bulletin issued yesterday evening, 24: "The emperor has been suffering from pneumonia of the right lung since the morning of November 12. His condition is serious."

Shock to Vienna Public.

LONDON, November 22, 11:30 a.m.—The death of Emperor Francis Joseph has caused notable emotion in Vienna. Says the Exchange Telegraph Company's Austrian correspondent: "The public was not aware of the serious nature of his illness, according to these dispatches, because of the non-alarming character of the bulletins issued. The emperor, the dispatch adds, was suffering from pneumonia of the right lung, which had been aggravated by a cold. He found himself unable to sleep and asked that his physicians be summoned. At 9 o'clock the emperor appeared to be in a more restful state. A few moments later, however, he was seized by a paroxysm of coughing and died. A second afterward he was dead."

German Emperor Notified.

Emperor William was immediately informed of the passing of his ally, the message being sent over the telephone which links the headquarters of the German army with Schoenbrunn Palace. Nothing has yet been decided, it is said, with regard to the emperor's accession.

The German emperor and King Ferdinand of Bulgaria are expected to arrive at the Austrian capital tomorrow, says a telegram from Vienna, received by the Exchange Telegraph Company by way of Geneva.

According to the latest details of the emperor's death, the emperor died yesterday afternoon, passing later into a comatose condition, and did not recover consciousness. "Emperor Francis Joseph practically died in his arms, according to an American dispatch to the Central News. The dispatch says that the emperor died at 9 o'clock, and his death was announced by the Austrian government. The emperor's death was a great shock to the world, and his death was a great loss to the world.

Emperor Grew Worse Steadily.

AMSTERDAM, November 22, via London, 2:22 p.m.—Emperor Francis Joseph on Monday evening, for the first time, went to bed earlier than usual. The first part of the night to 1 o'clock passed untroubled. Then attacks of coughing began. During the daytime yesterday feverish symptoms showed, and in the afternoon an aggravation set in which resulted in the death of the aged monarch.

Archduchess Marie Valerie, who had remained constantly at her father's bedside, had gone to the Western railway station shortly before 8 o'clock to meet her daughter, who was returning to Vienna from the royal chateau at Willes. The archduchess, however, immediately was recalled by court officials to Schoenbrunn, as after her departure all hope of the emperor living through the night had disappeared, and shortly after her return she breathed her last. Despite the evening bulletin, which left no doubt about the emperor's serious condition, the people of Vienna still maintained their firm belief in his power of recuperation, rather than war."



THINKS THE DEMOCRATS WILL RULE NEXT HOUSE

Representative Oldfield Says Republicans Will Be Short of Actual Majority.

Democratic control of the next House of Representatives was predicted today by Representative W. A. Oldfield of Arkansas, member of the democratic congressional campaign committee and of the House ways and means committee.

Representative Oldfield stated that he has closely followed the political battle which has been waged for seats in the House in the close states, and that it is his opinion that the republicans will have but one more seat than the democrats.

Talks of Probable Legislation.

Speaking upon the probable activities of Congress during the coming session, Mr. Oldfield stated that he fully expected that the rest of President Wilson's railroad legislation would be carried out before adjournment. This legislation involves an enlargement and administrative reorganization of the interstate commerce commission; creation of a new commission of freight rates to meet the expense of the eight-hour law; the delaying of strikes by an amendment of the existing federal statute; and the judgment in the case of the President's right to take control of the railways of the country for military purposes.

Right of Way for Appropriations.

That the greater part of the session will be taken up with various appropriation measures is Mr. Oldfield's belief. No pressing revenue needs have presented themselves at this time, he said, and he does not anticipate any legislation along this line unless the tariff board, when appointed, asks for emergency action.

Views of German Embassy.

The German embassy, basing its views upon an intimate knowledge of conditions in the dual monarchy, is certain that the death of Emperor Francis Joseph and the accession of Charles Francis Joseph will result in renewed military activity of a more energetic character. The emperor, by reason of his age and his infirmities, has taken no more than a passively acquiescent part in the war planning for some months. The new ruler has been actively engaged on the various fronts where the Austro-Hungarian armies have been operating during the last two years.

People Solidified by War.

In war time, however, the ambassador believes, the people are united for success for their arms. Furthermore, the ambassador feels that the people of the dual monarchy have been so solidified by the war that they will not bring about any political changes of importance. The new monarch is said to have well defined ideas regarding peace and personally is peacefully inclined. He is described as "a sensible man, and, therefore, in favor of peace rather than war."

HEARING IS DELAYED ON DISTRICT MONEY BILL

Contrary to Expectation, It Will Not Be Taken Up Monday—Chairman Page Unable to Get Here.

Contrary to expectation, the legislative, executive and judicial appropriation bill will be started Monday by hearings to be held before the subcommittee of the House appropriations committee in charge of the bill. It was believed until today that the District appropriation bill would be the first to be started, and that it would be the first bill to be introduced and reported to the House. Chairman Page, in charge of the District bill, fully intended to be in Washington a few days after election day, and to summon the District Commissioners and other officials to a hearing to explain the estimates.

Delegates to A. F. of L. Convention Engage in Warm Discussion Before Adopting Resolution.

BALTIMORE, Md., November 22.—Delegates to the convention of the American Federation of Labor this morning engaged in a warm debate over a resolution which protested against the teaching of militarism in the public schools. The preamble set forth that "the Secretary of War has communicated with public school authorities in various parts of this country, inquiring if they were willing to introduce military training of the boys in the schools, and stating that the War Department would provide instructors and rifles and ammunition."

Hotel Men Hold Exposition.

NEW YORK, November 22.—More than 10,000 hotel men from nearly every state in the country are here today in connection with the National Hotelmen's exposition at the Grand Central Palace. In the 17th booths in the exposition every department of a modern hotel is represented. There are novelties and inventions ranging from an automatic potato peeler to a milk agitator which keeps cream from rising.

National Silk Convention.

PATERSON, N. J., November 22.—The second national silk convention will open here today. Nearly 300 delegates are registered. The convention closes with a banquet tomorrow night.

Neighbors to Honor John M. Parker.

NEW ORLEANS, November 22.—Arrangements were completed today for a dinner to be given here January 8, Jackson day, in honor of John M. Parker of this city, who was progressive vice presidential candidate, to be attended by citizens of all parties who wish to pay personal tribute to him. Several hundred persons in Louisiana and neighboring states already have applied for reservations.

Francis Joseph's Successor Not Trained to Statecraft.

Archduke Charles Francis Joseph will assume the throne of the polyglot kingdoms of Austria and Hungary at twenty-nine. He has been fighting with the armies of the dual monarchy and is popular with all of the peoples who compose it. He was born August 17, 1887.

Dr. Doyen, Noted Surgeon, Dead.

PARIS, November 22.—Dr. Eugene Louis Doyen, the noted surgeon, has died after a brief illness. Dr. Doyen had made a special study of the treatment of cancer. He was born in 1858.

BATTLE NOW RAGING NORTH OF MONASTIR

Germans and Bulgarians Are Energetically Resisting Advance of Entente Forces.

ALLIES SEIZE MORE TOWNS

By the Associated Press.

PARIS, November 22.—Energetic resistance is being offered by the Germans and Bulgarians on the Macedonian front north of Monastir, the war office announces. The advance of the entente forces has been delayed largely by heavy fog. Five hundred more prisoners were taken.

The Germano-Bulgarian forces are accepting battle on a line running from Strigovo, three miles north of Monastir, to Hill 1050, southwest of the town of Makovo, which is thirteen miles northeast of Monastir.

Despite the stubborn resistance of the enemy, the Serbians advanced northward and have occupied the village of Rapesch. North of Suhodol the Serbians defeated the Germans, forcing them to beat a hasty retreat. A great number of prisoners, Germans and Bulgarians, and considerable booty were captured. In this retreat the Germans and Bulgarians abandoned a quantity of stores, engineering materials and other material.

Height Captured, Says Berlin.

The capture by German forces of a height near Paralova, on the Macedonian front, ten miles northeast of Monastir, is announced officially by Berlin.

Gen. Joffre has sent a telegram to Gen. Sarraik, commanding in Macedonia, cordially congratulating him and his men for having taken Monastir. The message includes a special general army order addressed to the officers and men of the army of the east, praising them for having driven the Germans and Bulgars from western Macedonia. In conclusion, the message says: "You have deprived the enemy of Monastir; tomorrow you will end it by beating him."

German Official Report.

"North of Campulung fruitless attacks by the Rumanians upon the Germano-Austro-Hungarian front were repulsed," says the Berlin statement. "On the Rothenthurm Pass road and in the valleys leading into the Alt river valley ground was gained in engagements. Speedily breaking the resistance of the defeated enemy a vigorous attack and a thrust. West Prussian and East Prussian Infantry entered Craiova from the north and squadrons of her cavalry's cuirassier regiment from the west, as the first German troops."

Prepared the Public.

The official reports from both German and Russian headquarters the last two days had prepared the public for this news of the success of the central powers' thrust at Rumania, but it had been hoped that Russia would be able to repulse the Germano-Austro-Hungarian thrust. The occupation of Craiova has not yet been confirmed. It is stated that the fact that no Rumanian official report has been issued since Sunday leaves little reason to doubt its correctness.

Made Provision for Grain.

According to information in Rumanian quarters in London, the entente allies had already made provision that the huge stores of grain in Craiova should not fall into enemy hands. The swift with which von Falkenhayn's troops were repulsed in northern Rumania was due to the Russian official communication reports the Rumanian retreat as having only reached Ploesti, about 100 miles from Craiova. "Some anxiety is felt as to Field Marshal von Mackensen's operations in the Dobruja region, the holding of which lies up to the present barred the Teutonic allies from the use of the Danube."

Success of Importance.

BERLIN, November 22.—By wireless to Sayvoss, the defeat of the Rumanians in Wallachia, enabling the Austro-German forces to reach the railroad from Orsova to Craiova, was of even more importance in the Rumanian campaign than the breaking of the Rumanian line in Dobruja, writes the Associated Press from the German news agency. With the battle at Tirgu Jiu, November 18, he says, the Rumanian army was carried out with energy and speed, he continues, and it is suggested that his recent retreat may have been a deliberate move to conceal the assemblage of his forces for a possible crossing of the Danube opposite to where Gen. Falkenhayn is fighting, in which case he would be in a position to attack at Nikopol, or farther west, at Rahova.

King Depletes Royal Staffs.

LONDON, November 22.—The Times understands that the king has ordered every week in the season thousands of persons have been turned back from the docks and freight had to be left behind on the ships. "The king was pointed out that the 1915 passenger season was unusually poor because of a late season, and the loss when the steamer Eastland capsized at her dock in the Chicago river."

All Unmarried Men of Military Age Must Report for Service With Colors.

NEW YORK, November 22.—Free motion picture shows in city parks are recommended in the annual report of the park commissioner. "The expense would be small, and tens of thousands of persons would be given wholesome outdoor entertainment on a large scale," the commissioner explained.

Conservation of Paper.

Every citizen is called upon to see that not a pound of paper is wasted. Demand from every clerk that any unnecessary wrapping of packages be dispensed with. "If you have no further use for today's newspaper, save it for the newspaper of tomorrow. It will be the nearest public school to your home and the old papers will be sent for."

Civilians Fire on Troops.

"It is worthy of remark that the Rumanian civilian population, excited by the success of the central powers, has been firing on the troops of the entente allies in the Wallachian region."

TEUTONS IN CRAIOVA, RUMANIANS' FATE HANGS IN BALANCE

Virtually Certain All of Western Wallachia Is in Hands of Invaders.

ADVANCE UNCHECKED, ACCORDING TO BERLIN

By the Associated Press.

LONDON, November 22.—The fate of the Rumanian armies in western Wallachia appears yet to be hanging in the balance. The exact measure of the fruits gathered by the Teutonic invaders from their capture and occupation of the important Wallachian city of Craiova, reported yesterday, is not yet apparent, but fears are expressed in entente quarters for the safety of the Rumanian forces that have been operating in the Orsova region, on western Rumanian front, now that the main line railroad has been cut at Craiova. Also, it seems, virtually all of western Wallachia has been won by the armies of the central powers.

The Austro-German invasion is unchecked, says today's announcement from the Berlin war office. Rumanian attacks were defeated and ground was gained on the Rothenthurm Pass road and in the Alt valley, it is claimed.

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